



PIER 2 - THE EMBARCADERO ~ SAN FRANCISCO, CALIFORNIA 94111 ~ (415) 781-2555

26 January 2015

THE HONORABLE COMMISSIONERS  
San Francisco Bay Conservation Development Commission

RECEIVED  
JAN 27 2015

SAN FRANCISCO BAY CONSERVATION  
& DEVELOPMENT COMMISSION

THRU: MR. LAWRENCE GOLDZBAND  
Executive Director  
San Francisco Bay Conservation Development Commission

Dear Honorable Commissioners:

Sinbad's would like to reiterate its thanks for your support during the February 2, 2012 public hearing, as part of the 34<sup>th</sup> America's Cup (AC) event preparation. Your support prevented the accelerated removal of Sinbad's from March 2013 to March 2015 as proposed by the BCDC and Port staff.

Once again, Sinbad's herein asks for the support and understanding of the BCDC to consider and approve an **amendment to the SAP deleting the March 2015 removal date** to allow Sinbad's Pier II, Inc. to continue again on a month to month basis until such time as the WETA construction of the Downtown Ferry Terminal Expansion Project begins in 2016 as projected. We believe that it would be in the best interest of the Port, BCDC and Sinbad's if we would be allowed to remain for a very limited stay.

To backtrack a little, since 2000, upon termination of the original lease agreement with the Port of SF, Sinbad's has been on a month to month lease arrangement with the Port. It has been made clear to us by the Port that this lease term limit is deemed necessary to provide Port and BCDC flexibility to plan, commence and complete public improvements outlined in the SAP and Phase 2 of Ferry Terminal Project. With certainty of no harm to the eventual needs of the WETA Project, the presence of the restaurant would manifest fair and prudent responsibility to employees and their respective families.

Sinbad's was given the opportunity by the SF Port Commission to be heard during its January 13, 2015 meeting. They interpose no objection to our request for continued stay.

We understand that amendments to the SAP are allowed through the BCDC, which pursuant to Government Code Sec 66652, is authorized at any time, to amend, repeal and adopt a new form of, all or part of the San Francisco Bay Plan provided that such changes shall be consistent with the findings and declaration of policy contained in the McAteer-Petris Act, i.e.,xxx to protect the "health, safety and welfare of the entire Bay Area."



The Finest Seafood Dining

We believe that the staying of Sinbad's would not be inconsistent with the policies of the McAteer-Petris Act. BCDC Res. No.2012-05 which states that the amendments to the SAP may only be approved if the BCDC finds that the revised public benefits would be sufficient to warrant the Commission finding that the revised balance of public and private benefits would be necessary to the 1) health, safety and welfare of the entire Bay Area and 2) offset the impacts of the 34<sup>th</sup> A/C on public use and enjoyment of the Bay and shoreline public access.

The acceleration of Sinbad's removal would in fact run counter to the policy of balanced public and private benefits. For the past 40 years of public service, Sinbad's takes pride that it:

- provided livelihood and income to employees and their dependents;
- generated jobs and support local industries around the Bay area;
- provided income to the Port and the city of San Francisco of approximately over 12 million dollars;
- complied with environmental and health regulations in maintaining the cleanliness of the Bay;
- provided the public a waterfront view but with amenities and comfort inside a restaurant; it also provided shelter and toilet facilities for children and families during inclement weather;
- was one of the very few union restaurants in the Bay Area; and
- always cooperated with the Port, BCDC and other entities.

The short-term benefit of removing Sinbad's come March 2015 is not commensurate to the long-term effects and damaging consequences of losing people's livelihood and other benefits. Closing a long-standing and enduring restaurant, runs counter to any city's obligation of creating jobs. A limited short-term extension has merits.

The attached WETA documents show that construction of the Downtown Ferry Terminal Expansion project could begin, at the earliest, in Spring of 2016. Based on this recent development, the removal of Sinbad's as early as March 2015 would be unnecessary and would be disadvantageous to the government and the economy, in general, in terms of loss of revenues to the Port/ city, loss of jobs to workers and loss of income to other related industries.

In view of the foregoing, Sinbad's hereby appeals and reaches out to BCDC for your help to **amend the SAP by deleting the March 2015 removal date**. Then we go back to the Port and renegotiate accordingly, for a month to month lease extension until WETA project begins in Spring of 2016.

Lastly, be it known to BCDC and other concerned agencies that Sinbad's wholeheartedly embrace the future of our waterfront and will step aside without any opposition, when necessity for the WETA project commences.

Considering the urgency of the matter on hand, may we also request BCDC to give Sinbad's the opportunity to be agendized effective the next BCDC meeting.

Thank you.

Very truly yours,

THOMAS STINSON  
President  
Sinbad's Pier II, Inc.



Update on WETA, Pier Two, Sinbads

Wednesday, August 6, 2014 12:43 PM

From: "Jason Louie" <jlouie@jllawoffice.com>

To: "brad.benson@sfport.com" <brad.benson@sfport.com>

Brad,

Last Friday week I spoke to Michael Gougherty ([gougherty@watertransit.org](mailto:gougherty@watertransit.org); 291-3777) the WETA chief project manager for the Ferry Terminal Expansion. I found Michael very easy to work with and very desirous of helping the City reap the most it can from existing leases on Pier Two right up until the absolute deadline for actual demo.

He worked with me to go over the current timeline for the project. He stated clearly that, given what they know today and *assuming* everything goes smoothly from here forward, **the soonest** WETA could break ground on Pier Two **is spring 2016**. He deduced from there that the soonest BCDC would start to demo the shed (Sinbads) atop Pier Two is January 2016. He readily stated he would support a hypothetical lease arrangement between the Port and Sinbads for a defined term of staying through 12/31/15, and then going on some sort of flexible periodic to period (4 months each?) hold over. This way everybody wins. I certainly know that Sinbads would support such an arrangement.

Michael said that he would talk to James Hurley and communicate the same to James so that we are all on the same page. Per the email below, Michael has now spoken to James.

If I may suggest, maybe you and I should connect in the next two weeks face to face to discuss how we can work together to make this all happen: deal with BCDC; I'm sure you have your own internal review process; etc.

Let me know your thoughts and thanks for your willingness to hear our thoughts on this matter.

Jason Louie

THE LAW OFFICES OF JASON LOUIE, P.C.

490 Post Street, Suite 910

San Francisco, CA 94102

Phone: (415) 240-4646

Fax: (415) 692-8240

[JLouie@JLLawOffice.com](mailto:JLouie@JLLawOffice.com)

This electronic mail contains PRIVILEGED AND CONFIDENTIAL INFORMATION intended only for the use of the addressee(s) named above. If you are not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this electronic mail in error, please immediately notify the sender by sending a reply electronic mail and deleting all copies from your computer system. Thank you.

**From:** Michael Gougherty [mailto:Gougherty@watertransit.org]  
**Sent:** Friday, August 01, 2014 11:42 AM  
**To:** Jason Louie  
**Cc:** Jamie Hurley  
**Subject:** RE: Great speaking to you today.

Thanks Jason. Fyi - I spoke with Jaime Hurley (cc'd here) from the Port to clarify the WETA project schedule. Mike

Mike Gougherty

Senior Planner | Planning and Development

San Francisco Bay Area Water Emergency Transportation Authority

Pier 9, Suite #111, The Embarcadero, San Francisco, CA 94111

ph: 415.364.3189 fx: 415.291.3388

**From:** Jason Louie [mailto:jlouie@jllawoffice.com]  
**Sent:** Friday, August 01, 2014 11:17 AM  
**To:** Michael Gougherty  
**Subject:** Great speaking to you today.

I look forward to hearing from you or otherwise working with you.

Jason Louie

**THE LAW OFFICES OF JASON LOUIE, P.C.**

490 Post Street, Suite 910

San Francisco, CA 94102

Phone: (415) 240-4646

Fax: (415) 692-8240

[JLouie@JLLawOffice.com](mailto:JLouie@JLLawOffice.com)

MEMORANDUM

---

**TO:** Board Members

**FROM:** Nina Rannells, Executive Director  
Kevin Connolly, Manager, Planning & Development  
Mike Gougherty, Senior Planner

**SUBJECT:** Certify the Environmental Impact Report for the Downtown San Francisco Ferry Terminal Expansion Project; Make Certain Findings of Fact; Adopt a Statement of Overriding Considerations; and Adopt a Mitigation Monitoring and Reporting Program

**Recommendation**

Staff recommends that the Board:

- Certify the Environmental Impact Report for the Downtown San Francisco Ferry Terminal Expansion Project;
- Adopt a Mitigation Monitoring and Reporting Program;
- Make Certain Findings of Fact;
- Adopt a Statement of Overriding Considerations; and
- Approve the Project

**Background**

The Downtown San Francisco Ferry Terminal Expansion project is being developed by WETA to expand and improve facilities at the existing ferry terminal in downtown San Francisco. The project will include construction of up to three new ferry gates, landside pedestrian circulation improvements, installation of amenities such as weather-protected areas for queuing, and covering of the current "lagoon" area south of the Ferry Building for future use as a staging area for evacuees in the event of a major emergency. The new gates and amenities will support projects currently under development to provide new ferry service to Richmond, Berkeley, Treasure Island, and other locations, as well as efforts to enhance existing services.

The proposed expansion of the Downtown San Francisco Ferry Terminal builds on previous planning efforts and projects constructed by the Port of San Francisco (Port). In the 1990s, the Port initiated a comprehensive land use planning process for the Ferry Building area that resulted in significant improvements to the Ferry Building and the Embarcadero, as well as implementation of the Downtown Ferry Terminal project. The first phase of the Downtown Ferry Terminal project was completed by the Port in 2003, and resulted in construction of Gates B and E, which are used by WETA today to support its Vallejo and Alameda ferry services. During development of Phase 1, the Port also evaluated alternatives and prepared plans for a second phase that would include construction of additional gates and serve as the basis for the proposed Downtown San Francisco Ferry Terminal Expansion project that WETA is undertaking.



In 2010, WETA entered into a Memorandum of Understanding (MOU) with the Port to establish a coordinated planning process for implementing design and environmental review of their respective projects in the Downtown San Francisco Ferry Building area. As set forth in the MOU, WETA assumes responsibility for developing the conceptual design and undertaking environmental review for landside and waterside improvements proposed as part of the Downtown San Francisco Ferry Terminal Expansion project. Design and environmental review for other projects in the Ferry Building area are to remain the responsibility of the Port. The MOU also establishes that funding and other responsibilities related to construction of the Downtown San Francisco Ferry Terminal Expansion project would be subject to a separate agreement following completion of the environmental review process.

### **Discussion**

Consistent with the MOU between WETA and the Port, WETA has assumed the lead agency role for approving the project under the California Environmental Quality Act (CEQA). In addition, because the Federal Transit Administration (FTA) would be providing federal funding, FTA is the lead agency under the National Environmental Policy Act (NEPA). WETA and FTA have prepared a joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR) that meets requirements of both NEPA and CEQA.

Because the project would also require other approvals that would be also subject to CEQA, several state and local agencies are also Responsible Agencies under CEQA for the project including the Port, the San Francisco Bay Conservation and Development Commission (BCDC) and the California State Lands Commission.

FTA's final approval, in the form of its Record of Decision, was published with the release of the Final EIS/EIR to the public on August 29, 2014. The Final EIS/EIR is included as *Exhibit A*. Upon certification of the EIR, WETA could move forward with project design and permitting activities to advance this project to construction in 2016.

### **Outreach and Coordination with the Public and Agencies**

Prior to the initiation of the environmental review process, WETA conducted a series of stakeholder interviews in late 2010 to inform interested parties about the project. Individual meetings were held with a wide variety of stakeholders in the project area, including nearby businesses, management and tenants of the Ferry Building, regulatory agencies, transit agencies, vessel crews and operators, and advocacy groups representing pedestrian, transit, bicycle, and historic preservation interests. Input obtained from each of the stakeholder groups was documented and considered in the development of the preliminary project design.

Federal, state, and local agencies with jurisdiction over resources that could be affected by the project, or that have technical expertise on an issue relevant to the project, were formally invited to participate in the environmental review process. The agencies that participated include: National Oceanic and Atmospheric Administration – National Marine Fisheries Service (NMFS), U.S. Army Corps of Engineers, U.S. Coast Guard, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, California State Lands Commission, BCDC, Bay Area Air Quality Management District (BAAQMD), the Port, and San Francisco Bay Area Rapid Transit District (BART). An agency coordination meeting was held early in the environmental review process to gather input on each agency's areas of expertise and